

CITY-COUNTY GENERAL ORDINANCE NO. 112, 1998  
Proposal No. 302, 1998

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 98-AO-4

AN ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and, B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731 (adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8, 96-AO-4, 97-AO-2, 97-AO-3, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the new underscored language as follows:

11. Wireless Communication Facility.

In any Dwelling District, a wireless communication facility, (as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended), is permitted.

SECTION 2. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, 94-AO-7, 96-AO-1, 96-AO-4, 97-AO-5, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the new underscored language as follows:

10. Wireless Communication Facility.

In any Commercial District, a wireless communication facility, (as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended), is permitted.

SECTION 3. The Central Business District Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 2 (adopted under Metropolitan Development Commission docket numbers 64-AO-1, 81-AO-4, 93-AO-1, 94-AO-1, 95-AO-4, 96-AO-4, 97-AO-6, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00 be amended by adding the new underscored language as follows:

6. Wireless Communication Facility.

In any Central Business District, a wireless communication facility, (as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended), is permitted.

SECTION 4. THE INDUSTRIAL ZONING ORDINANCE of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 1 (adopted under Metropolitan Development Commission docket numbers 63-AO-4, 67-AO-7, 73-AO-2, 80-AO-3, 96-AO-3, 96-AO-4, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.01, A (I-1-S and U Districts), be amended by adding the following language:

20. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

SECTION 5. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1, 96-AO-4, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 1.00, B (Establishment of Special Use Districts - Permitted Uses), be amended by adding the underscored language as follows:

Including for each said district:

1. Accessory Uses And Structures, subordinate, appropriate and incidental to the above permitted primary uses.
2. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

B. That Section 2.01, A, 1 be amended by adding the underscored language as follows:

1. Park District One (PK-1) Uses

Public playgrounds, play fields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Commission as hereinafter provided.

Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

C. That Section 2.01, A, 2 (PK-2 District), be amended by adding the underscored language and deleting the stricken language as follows:

g. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

gh. Any other appropriate planned land use, complex or combination of land uses.

D. That Section 2.02, A, 1 (HD-1 District), be amended by adding the underscored language and deleting the stricken language as follows:

- g. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

gh. Other similar uses and facilities.

E. That Section 2.02, A, 2 (HD-2 District), be amended by adding the underscored language and deleting the stricken language as follows:

- g. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

gh. Other similar hospital-related or oriented uses.

F. That Section 2.03, A, 1 (UQ-1 District), be amended by adding the underscored language as follows:

1. Permitted University Quarter One (UQ-1) Uses

University Uses, provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 DISTRICT, the Commission's approval shall be required unless enumerated in Section 2.03, D (Specific Exemptions - Administrator's Approval).

Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

The petition for such UQ-1 approval shall include a site and development plan.

G. That Section 2.03, A, 2 (UQ-2[B] District), be amended by adding the underscored language as follows:

2. Permitted University Quarter Two (Butler University) (UQ-2[B]) Uses

- a. Any Use Permitted In The D-5 Dwelling District, subject to all standards, requirements and regulations of Section 2.07 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District Five Regulations), 89-AO-2, as amended. Neither Commission nor Administrator's Approval shall be required for permitted uses in this district, so long as all standards of the Dwelling Districts Zoning Ordinance for D-5 District development are satisfied.

- b. University-Related Group Dwelling Use (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such University-Related Group Dwelling Use shall be subject to the Commission's approval, as hereinafter provided, unless enumerated in Section 2.03, D (Specific Exemptions - Administrator's Approval), and subject to the development standards of Section 2.03, F.

- c. Wireless Communication Facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended.

The petition for UQ-2(B) UNIVERSITY-RELATED GROUP DWELLING USE approval shall include a site and development plan.

H. That Section 2.04, F be amended by adding the underscored language and deleting the stricken language as follows:

F. Development standards

In addition to the site and development requirements of Section 2.04, B, 2, all uses permitted within the SPECIAL USE DISTRICTS shall be administratively reviewed (as noted in Section 2.04, A, 1), using as an administrative guide, the development standards applicable to the specified DISTRICT as follows:

<u>SPECIAL USE ZONING DISTRICT</u>	<u>APPLICABLE DISTRICT FOR DEVELOPMENT STANDARDS REVIEW</u>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per Section 2.04, G)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	<del>I-5-S</del> <u>I-4-S</u>
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	<del>I-5-S</del> <u>I-4-S</u>
SU-42	C-1 (And as per Section 2.04, H)
SU-43	I-1-S
SU-44	C-3 (G.O. 92, 1994) (And as per Section 2.04, I)

## SECTION 5. Severability.

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

## SECTION 6. Attestation.

This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

The foregoing was passed by the City-County Council this 3rd day of August, 1998 at 9:16 p.m.

ATTEST:

  
Suellen Hart, Clerk, City-County Council

  
Dr. Beurt SerVaas  
President, City-County Council

STATE OF INDIANA, MARION COUNTY )  
 ) SS:  
CITY OF INDIANAPOLIS )

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 302, 1998, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 3rd day of August, 1998, by a vote of 26 YEAS and 0 NAYS, and was retitled General Ordinance No. 112, 1998, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 7th day of August, 1998.

  
Suellen Hart, Clerk, City-County Council

(SEAL)